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AUG - 7 1996

August 7, 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

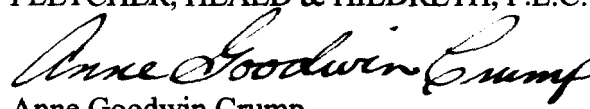
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Re: MM Docket No. 95-126  
RM-8671  
Denison-Sherman, Paris, Jacksboro,  
Texas, and Madill, Oklahoma

Dear Mr. Caton:

Transmitted herewith, on behalf of CarePhil Communications, licensee of Station KBUS(FM), Paris, Texas, are an original and four copies of its "Reply to Opposition Petition for Reconsideration and Opposition to Request to Remove Automatic Stay" in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,  
FLETCHER, HEALD & HILDRETH, P.L.C.  
  
Anne Goodwin Crump  
Counsel for CarePhil Communications

Enclosures

cc: Ms. Pamela Blumenthal (with enclosure) **By Hand Delivery**

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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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AUG - 7 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM DOCKET NO. 95-126
Table of Allotments,	)	RM-8671
FM Broadcast Stations.	)	
(Denison-Sherman, Paris, Jacksboro,	)	
Texas, and Madill, Oklahoma)	)	

Directed to: Chief, Allocations Branch

**REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION  
AND OPPOSITION TO REQUEST TO REMOVE AUTOMATIC STAY**

CarePhil Communications ("CarePhil"), licensee of Station KBUS(FM), Paris, Texas, by its attorneys, hereby respectfully submits its Reply to the "Opposition to Petition for Reconsideration" and its Opposition to the "Request to Remove Automatic Stay" submitted by Hunt Broadcasting, Inc. ("Hunt") with regard to the Commission's Report and Order, DA 96-677, released May 7, 1996, ("Report and Order") in the above-referenced proceeding.<sup>1</sup> With respect thereto, the following is stated:

1. The Report and Order in this proceeding included a provision requiring KBUS(FM) to change its channel in order to accommodate Hunt's upgrade of Station KDVE(FM), Denison-Sherman, Texas. The Report and Order also set forth Hunt's commitment to reimburse CarePhil for its expenses in connection with the change in frequency. CarePhil submitted its Petition for

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<sup>1</sup> To the extent deemed necessary, CarePhil hereby seeks leave to consolidate its responses to the "Opposition to Petition for Reconsideration" and the "Request to Remove Automatic Stay" as the same response is equally applicable to both.

Reconsideration of the Report and Order in light Hunt's failure to enter into good faith negotiations with CarePhil concerning the amount of the expenses to be reimbursed.

2. Hunt's Opposition now states that it has submitted an application for construction permit to operate on the new channel which will not require KBUS(FM) to change channels. Accordingly, Hunt seeks to have the allotment for KBUS(FM) changed back to the channel on which it is currently operating, Channel 270C2. Hunt argues that CarePhil's "Petition for Reconsideration" is therefore moot and should be dismissed immediately, and that the automatic stay of the effectiveness of the Report and Order should be lifted.

3. CarePhil opposes the dismissal of its Petition for Reconsideration and the request to remove the automatic stay. While CarePhil generally supports the proposals set forth in Hunt's Opposition and clearly prefers to retain the channel on which KBUS(FM) now operates, the mere filing of Hunt's Opposition and application do not render CarePhil's Petition for Reconsideration moot. Until the Commission acts to change the allotment for KBUS(FM) back to Channel 270C2, an order remains outstanding which requires KBUS(FM) to change to Channel 282C2. CarePhil heartily supports Hunt's request for the change back to Channel 270C2, but the fact remains that CarePhil's Petition will not become moot until the Commission acts to change the FM Table of Allotments. Therefore, CarePhil's Petition should not be dismissed, nor should the automatic stay be lifted, until the Commission acts on Hunt's request for modifications to the Report and Order as set forth in its Opposition.

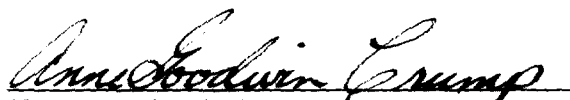
4. CarePhil also notes that Hunt's discussion of CarePhil's request for reimbursement of expenses did not present the whole story but was a one-sided depiction. No details of how CarePhil calculated the figures listed are included. CarePhil has always been and remains willing

to sit down and discuss with Hunt the proposed reimbursement amounts and the basis for them. At this time, however, CarePhil does not find it necessary to bring the history of its attempted negotiations with Hunt to the attention of the Commission.

WHEREFORE, the premises considered, CarePhil opposes dismissal of its Petition for Reconsideration of the Report and Order and removal of the automatic stay in this proceeding.

Respectfully submitted,

CAREPHIL COMMUNICATIONS

By:   
 Vincent J. Curtis, Jr.  
 Anne Goodwin Crump

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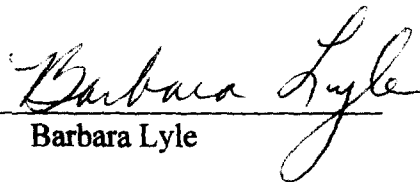
August 7, 1996

**CERTIFICATE OF SERVICE**

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a copy of the foregoing "Reply to Opposition Petition for Reconsideration and Opposition to Request to Remove Automatic Stay" was sent this 7th day of August, 1996, by first-class United States mail, postage prepaid, to:

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Barbara Lyle